



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street · Phoenix, Arizona 85007
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Stephen A. Owens
Director

August 26, 2003

U.S. Army Corps of Engineers
Los Angeles District
Regulatory Branch - Ventura Field Office
Attn: CESPL-CO-R-99-50070-BAH
2151 Alessandro Drive, Suite 110
Ventura, California 93001-3748

Subject: CWA 401 Certification for: Proposed Regional General Permit for Repair and Protection Activities in Emergency Situations, ACOE Public Notice/Application No. 99500700-BAH

Dear Mr. Henderson:

The Arizona Department of Environmental Quality (ADEQ), Water Quality Division has reviewed the U.S. Army Corps of Engineers (ACOE) Public Notice for the proposed reauthorization of Regional General Permit (RGP) 63 for Repair and Protection Activities in Emergency Situations.

Based upon the information provided in Public Notice/Application No. 995007000-BAH, ADEQ has only one comment. Notification/Communication (d) under the General Conditions indicates that the District Engineer (DE) will fully consider any comments from Federal or State agencies, received within the specified timeframe, concerning the proposed activity's compliance with the conditions of their authority and the need for mitigation to reduce the proposed project's adverse environmental effects to a minimal level. Although the DE will indicate the results of the consideration in the administrative record associated with the notification, no formal response will be made regarding an agencies comments. ADEQ requests that the DE informally respond to our agencies comments through e-mail or other means, so that the agency is informed of the Corps decision regarding the need for mitigation of adverse environmental effects associated with the proposed project.

ADEQ has made the following revisions to our 401 Conditions for all waters of the State ("Unique Waters" and "Other Waters").

Northern Regional Office
1515 East Cedar Avenue · Suite F · Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street · Suite 433 · Tucson, AZ 85701
(520) 628-6733

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1. Notification

The prospective permittee must notify the Arizona Department of Environmental Quality (ADEQ) in writing within 48 hours of initiating repair and/or protection activities. Notifications may be faxed, addressed to:

Arizona Department of Environmental Quality
Surface Water Permits Unit
Attn: Andy Travers
1110 West Washington Street, (5415B-3)
Phoenix, Arizona 85007
Fax (602) 771-4674

2. Contents of Notification

- a. Name, address and telephone numbers of the prospective permittee, and appropriate point of contact, address and phone number.
- b. Location of the proposed project in detail (include a copy of a USGS topo map, Thomas Guide map, hand-drawn location map with suitable landmarks, etc.), the map should clearly indicate the location and extent of the project, as well as directions to the site.
- c. Brief and clear description of the project's purpose and need.
- d. Description of anticipated methods to be used to rectify the situation.

3. Prospective permittee shall send a copy of any "Final Reports" (required under General Condition 26) to the address provided in condition 1.

4. General Conditions

- a. Permitted activities shall not cause a violation of any applicable water quality standards, including designated uses as adopted by the State of Arizona Water Quality Standards for Surface Waters, Arizona Administrative Code (AAC), Title 18, Chapter 11, Section 105 Tributaries Designated Uses, Section 108 Narrative Water Quality Standards, Section 109 Numeric Water Quality Standards, Appendix A.

- b. A Regional General Permit and CWA 401 Certification do not obviate the need to obtain any other permits, certifications and licenses that may be required by federal, state or local authorities.

5. Erosion Protection Measures

- a. Erosion control and/or other bank protection features (silt fences, straw bales, mulching, or rock rip rap) shall be used to minimize erosion and soil loss, where appropriate. Denuded areas shall be revegetated as soon as possible with native plants and seed.
- b. Upon completion of emergency activities, the work area shall restore or maintain the stability of upstream and downstream segments of water of the U.S. with respect to erosion and sedimentation.

6. Chemicals and Materials Handling

- a. The permittee shall use designated areas for chemical (herbicide) and petroleum storage, solid waste containment, and equipment washing. These designated areas shall all be located outside of jurisdictional waters.
- b. The permittee shall have a spill containment plan and an equipment maintenance plan available on site at all times.

7. Contaminated Soils and Materials

The permittee is responsible for ensuring construction material and/or fill, placed within the ordinary high water mark, be free from substances that can cause or contribute to pollution of a surface water.

ADEQ requests that the ACOE provide information on the RGPs issued for Repair and Protection Activities in Emergency Situations for jurisdictional waters within the state of Arizona to the address indicated in the Notification condition above.

If you have any further questions please contact Andy Cajero-Travers at (602) 771-4502.